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Attorneys for Defendant
DEOLEO USA, INC., formerly known as MED
FOODS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SCOTT KOLLER, an individual, on behalf of
himself, the general public and those similarly
situated,

Plaintiffs,

v.

DEOLEO USA, INC.; and MED FOODS,
INC.,

Defendants.

Civil Action No. 3:14-CV-02400-RS

**STIPULATION CONTINUING
PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

1 This Stipulation (the “Stipulation”) is made and entered into by Deoleo USA, Inc., by and
 2 through its undersigned counsel of record, and by Scott Koller, by and through his undersigned
 3 counsel of record.

4 This Stipulation is made with reference to the following facts:

- 5 1. On September 19, 2017, Plaintiff filed a motion for partial summary judgment.
- 6 2. On October 3, 2017, Defendant filed its opposition.
- 7 3. Plaintiff’s reply brief in support of his motion for partial summary judgment is due
 8 on October 10, 2017.
- 9 4. The hearing on the motion is currently scheduled for October 26, 2017.
- 10 5. The parties have agreed to mediate their dispute, and have scheduled mediation
 11 before Judge Infante for November 6, 2017.
- 12 6. The parties have agreed to continue Plaintiff’s motion for partial summary
 13 judgment pending the mediation.

14 **The parties, through their respective counsel of record, stipulate and agree as**
 15 **follows:**

- 16 7. Plaintiff’s motion for partial summary judgment is continued.
- 17 8. If mediation is unsuccessful, Plaintiff will file his reply brief on November 16,
 18 2016, and the hearing will take place on December 7, 2017.
- 19 9. In accordance with its statements in the Joint Case Management Statement, filed on
 20 October 5, 2017 (Dkt. No. 124), Deoleo preserves its right to seek a further continuance of this hearing
 21 date depending on the schedule set for class notice.

22 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

23 /s/
 24 DATED: 10/10/2017
 25 _____
 26 Seth A. Safier
 GUTRIDE SAFIER LLP
 Attorneys for Plaintiff

27 /s/
 28 DATED: 10/10/2017

 Jeffrey B. Margulies
 Stephanie Stroup

NORTON ROSE FULBRIGHT US LLP
Attorneys for Defendant

PROPOSED ORDER

Pursuant to Civil Local Rule 6-2(a), and **GOOD CAUSE APPEARING THEREFOR**, it is therefore ORDERED that:

Plaintiff shall file his reply in support of partial summary judgment by November 16, 2017, and the hearing shall be continued until December 7, 2017 at 1:30 pm.

IT IS SO ORDERED.

DATED: _____

THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

ATTESTATION OF COMPLIANCE

I, Seth Safier, am the ECF user whose ID and password are being used to file this document. In compliance with section X(B) of General Order 45, I hereby attest that Stephanie Stroup concurred in this filing.

/s/ Seth Safier